

Appl. No.: 09/816,917
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determining if a network connection is operating between the cable modem and the cable modem termination system.

REMARKS

The Examiner rejected claim 1 under 35 U.S.C. 103(a) using a combination of Bahlman '242 and Sandberg. Applicant has amended claim 1 to include a button physically located on at least one of said connected remotely connectable devices. Neither Bahlman '242 nor Sandberg teaches such a button as stated by the Examiner. The reasons are neither reference contemplates the need for a button and the addition of such a button would destroy both references.

The systems and methods of Bahlman '242 are initiated by executing a computer program (col. 2, lines 22-23 and col. 7, lines 48-53). The systems and methods of Sandberg are designed around GUIs (see Figures 6-10 and 12 and col. 3, line 66 – col. 4, line 2). Neither reference is capable of being initiated via a physical button because there is an ease of use, with respect to these applications, that comes with having them initiated via a computer algorithm. Replacing the stated methods of initiating applications in the combined Bahlman '242 and Sandberg device with a physical button would destroy the intended purpose of both references.

The Examiner rejected claims 11 and 23 under 35 U.S.C. 103(a) using a combination of Bahlman '478 and Armstrong. This combination is improper. As noted by the Examiner, Bahlman '478 is silent on the user making a service check request and sending the data back to the user. This is because network operators and technicians, not the end users, use the systems and methods of Bahlman '478 (see col. 5, lines 6-25). In

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addition, Armstrong describes a system and method of merging email and customer response systems together (see col. 2, lines 30-35). These are simply two separate endeavors which cannot be combined to achieve the desired combination. Finally, the Examiner states the end result of the proposed combination which is not a motivation to combine since any alleged deficiency in Bahlman '478 is not expressed in the patent itself.

Respectfully submitted,

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